REMARKS/ARGUMENTS

This application is under final rejection. Applicant has presented arguments hereinbelow that Applicant believes should render the claims allowable. In the event, however, that the Examiner is not persuaded by Applicant's arguments, Applicant respectfully requests that the Examiner enter the amendment to clarify issues upon appeal.

This Amendment is in response to the Office Action dated April 8, 2005. Claims 1-10 and 12-17 are pending. Claims 1-10 and 12-17 are rejected. Claims 1 and 13-17 have been amended. No claims have been added or canceled. Accordingly, claims remain pending in the present application.

Claims 1-10 and 12-17 are rejected under 35 USC 102(b) as being anticipated by Nessett (5,968,176). In the Response to Arguments, the Examiner states:

> ...Applicant contends and argues that the prior art Nessett et al. (U.S. Patent No. 5,968,176) does not teach nor suggest controlling access between the layers of the protocol stack. The Examine disagrees and asserts that Nessett et al. does teach controlling access between multiple layers of the protocol stack as shown in Column 4, lines 21-46. Herein, Nessett et al. discloses a multiplayer firewall system containing multiple protocol layers which provides security in a network for nodes operating within the following protocol layers: network, transport, and MAC (medium access control). Furthermore, Nessett et al. also discloses means for providing access control between layers of the protocol stack by using security policies. The security policy will determine which subjects (people) can have access to objects (data) in order to perform a requested operation (read/write) as shown in Column 7, lines 48-67 and Column 8, lines 1-55...

Applicant respectfully disagrees as to the claims as amended. The present invention, as recited in amended independent claims 1 and 13-17, provide a method, system, and computer readable medium with program instructions for providing access control in a protocol stack, including: (a) receiving a request to perform an operation at a layer of a plurality of layers of the same protocol stack; (b) calling an access mediator; (c) determining if the request is to be granted based upon a predetermined security policy by the access mediator; (d) providing the determination by the access mediator; and (e) allowing the operation to be performed at the layer

if the determination is to grant the request, wherein access control is provided between the layer and another layer of the same protocol stack. The granularity of access control is thus provided at the protocol layer level between layers of the same protocol stack.

In contrast, Nessett does not teach or suggest controlling access between layers of the same protocol stack. Nessett instead discloses controlling access between nodes in a network, each node implementing a multiple protocol stack. Nessett, however, does not disclose how access between layers within the same protocol stack is managed, i.e., access between layers within a node. Thus, the finest granularity of access control disclosed by Nessett is at the node level. This is of coarser granularity than that provided by the present invention. Nessett distinctly discloses that its security policies are implemented among or between end systems in the secured network, i.e., between nodes in the network (Col. 5, lines 7-67), not between layers of the same protocol stack.

Thus, Nessett does not teach or suggest the combination of elements, in which the combination provides access control between layers of the same protocol stack, as recited in amended independent claims 1 and 13-17.

For the above identified reasons, the present invention as recited in independent claims 1 and 13-17 is neither taught nor suggested by Nessett. Applicant further submits that claims 2-10 and 12 are also allowable because they depend on the above allowable base claims.

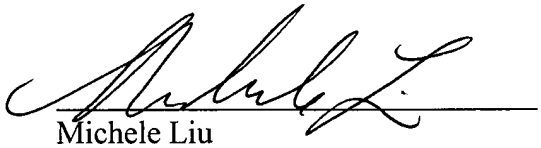
In view of the foregoing, Applicant submits that claims 1-10 and 12-17 are patentable over the cited reference. Applicant, therefore, respectfully requests reconsideration and allowance of the claims as now presented.

Applicants' attorney believes this application in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted,

SAWYER LAW GROUP LLP

September 6, 2005
Date



Michele Liu
Attorney for Applicant(s)
Reg. No, 44,875
(650) 493-4540